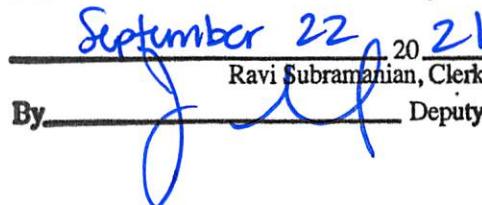


1 Presented to the Court by the foreman of the
2 Grand Jury in open Court, in the presence of
3 the Grand Jury and FILED in the U.S.
4 DISTRICT COURT at Seattle, Washington.

5 
6 September 22 2021
7 Ravi Subramanian, Clerk
8 By J. M. Deputy

9
10 UNITED STATES DISTRICT COURT FOR THE
11 WESTERN DISTRICT OF WASHINGTON
12 AT SEATTLE

13
14 UNITED STATES OF AMERICA,
15 Plaintiff,

16 CASE NO. **CR21-15 1RAJ**

17
18 v.
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20 KATHERINE DE LEON EVARISTO,
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22 Defendant.

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The Grand Jury charges that:

COUNT 1
(Immigration Fraud Conspiracy)

1. Between in or about December 2012 through in or about June 2021, in
2 King County, within the Western District of Washington, and elsewhere, Katherine De
3 Leon EVARISTO, and others known and unknown, did knowingly and intentionally
4 conspire and agree together and with each other to commit an offense against the United
5 States, to wit, by obstructing the lawful functions of the U.S. Citizenship and
6 Immigration Services (“USCIS”) by deceitful and dishonest means.

7 2. It was a part and object of the conspiracy that EVARISTO, a United States
8 citizen and employee of the U.S. Customs and Border Protection charged with enforcing
9 U.S. immigration and customs law, and a co-conspirator not named herein (“CC-1”), who

1 was a resident and citizen of the Philippines, did knowingly enter into a sham marriage
 2 for the purpose of evading provisions of the immigration laws.

3 3. It was a further part and object of the conspiracy for EVARISTO to profit
 4 financially by accepting payments from CC-1 and other co-conspirators in exchange for
 5 participating in a sham marriage with CC-1 and assisting CC-1 to evade provisions of
 6 U.S. immigration laws.

7 4. In furtherance of the conspiracy and to effect the illegal object thereof,
 8 EVARISTO and her co-conspirators committed the following overt acts, among others,
 9 in the Western District of Washington and elsewhere:

10 a. In or around December 2012, EVARISTO agreed to marry CC-1 so
 11 that CC-1 could obtain U.S. immigration benefits, including lawful permanent resident
 12 status and citizenship, in exchange for approximately \$20,000.

13 b. Shortly after this agreement, in or around December 2012, CC-1 and
 14 his family wired approximately \$10,000 to EVARISTO as an initial payment for
 15 EVARISTO's role in this conspiracy. In addition to this initial payment, CC-1 and his
 16 family continued to make payments to EVARISTO in furtherance of this conspiracy. In
 17 total, EVARISTO received approximately \$20,000.

18 c. On or around October 4, 2013, EVARISTO filed a petition with
 19 USCIS (the "2013 Petition") seeking authorization to allow CC-1 to enter the United
 20 States to marry EVARISTO and pursue adjustment of status to lawful permanent resident
 21 based on their marriage.

22 d. After the 2013 Petition was approved, CC-1 entered the United
 23 States from the Philippines on a K-1 fiancé visa on or around February 16, 2015.

24 e. On or around February 23, 2015, EVARISTO married CC-1 in San
 25 Diego, California, so that CC-1 could obtain immigration benefits from the United States.

26 f. On or about April 26, 2017, EVARISTO and CC-1 filed a joint
 27 petition with USCIS seeking to remove conditions on CC-1's residence (the "2017

1 Petition"). In the petition, both EVARISTO and CC-1 falsely affirmed under penalty of
 2 perjury that their marriage "was not for the purpose of procuring an immigration benefit."

3 g. On or about January 10, 2019, in King County, within the Western
 4 District of Washington, EVARISTO and CC-1 were jointly interviewed by USCIS
 5 regarding the pending 2017 Petition. During this interview, both EVARISTO and CC-1
 6 falsely reaffirmed under oath that the 2017 Petition was true and correct and provided
 7 documentation purporting to show that they had a bona fide marriage. The 2017 Petition
 8 was approved on or around March 1, 2019.

9 h. On or about January 16, 2019, EVARISTO made an unauthorized
 10 query into a federal law enforcement database to check CC-1's immigration status.

11 i. On or about March 8, 2019, CC-1 filed an application seeking to
 12 become a naturalized U.S. citizen based on his marriage to EVARISTO. CC-1 withdrew
 13 this application in or around June 2021 after law enforcement officers uncovered this
 14 scheme.

15 All in violation of Title 18, United States Code, Section 371.

16 **COUNT 2**
 17 **(False Statement Regarding 2017 Petition)**

18 5. On or about January 10, 2019, in King County, within the Western District
 19 of Washington and elsewhere, Katherine De Leon EVARISTO did knowingly subscribe
 20 as true under oath, and aided and abetted and caused the subscription as true under oath, a
 21 false statement with respect to a material fact in an application, affidavit, and other
 22 document required by the immigration laws and regulations prescribed thereunder, to wit,
 23 EVARISTO and CC-1 falsely reaffirmed under oath that the information in their jointly-
 24 filed 2017 Petition was true, including that their marriage "was not for the purpose of
 25 procuring an immigration benefit."

26 All in violation of Title 18, United States Code, Sections 1546(a) and 2.

27 **FORFEITURE ALLEGATION**

28 The allegations contained in this Indictment are hereby realleged and incorporated

1 by reference for the purpose of alleging forfeiture. Upon conviction of either of the
2 offenses alleged in Counts 1-2, Defendant Katherine De Leon EVARISTO shall forfeit to
3 the United States any property that constitutes or is traceable to proceeds she obtained
4 from, and any property or conveyance that facilitated, her commission of the offense. All
5 such property is forfeitable pursuant to Title 18, United States Code, Section 982(a)(6)
6 and includes, but is not limited to, a sum of money in the amount of \$20,000 reflecting
7 the proceeds that the defendant obtained from her commission of the offense.

8 **Substitute Property.** If any of the property described above, as a result of any act
9 or omission of the Defendant:

- 10 a. cannot be located upon the exercise of due diligence;
- 11 b. has been transferred or sold to, or deposited with, a third party;
- 12 c. has been placed beyond the jurisdiction of the court;
- 13 d. has been substantially diminished in value; or
- 14 e. has been commingled with other property which cannot be divided
15 without difficulty,

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1 it is the intent of the United States to seek the forfeiture of any other property of the
2 Defendant, up to the value of the above-described forfeitable property, pursuant to
3 Title 21, United States Code, Section 853(p).

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5 A TRUE BILL:
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12 TESSA M. GORMAN
13 Acting United States Attorney
14
15 THOMAS M. WOODS
16 Assistant United States Attorney
17
18 SOK TEA JIANG
19 Assistant United States Attorney
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DATED: 22 September 2021

*(Signature of Foreperson redacted
pursuant to the policy of the Judicial
Conference of the United States)*
FOREPERSON